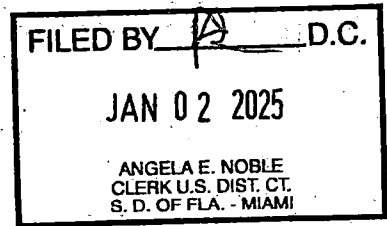


UNITED STATES DISTRICT COURT FOR THE SOUTHERN  
DISTRICT OF FLORIDA



FRANK E. POLO, SR.  
Plaintiff,

v.

BERNSTEIN, et al.

Defendants,

NOTICE OF APPEAL

CASE NO: 23-CV- 21684 /

NOTICE OF APPEAL.

1. Comes now the Plaintiffs, FRANK POLO, and respectfully files this notice of appeal to the United States Court of Appeals for the Eleventh Circuit from the final judgment rendered on July 23, 2024 (ECF: 56) by the Southern District Court of Florida.

2. Subsequently, a motion to alter or amend the judgment was timely filed on Aug 19, 2024, pursuant to Fed. R. Civ. P. 59(e) was subsequently amended on August 21, 2024, to correct an error in scanning the document's first page. *See Banister v. Davis*, 140 S. Ct. 1698, 1700 (2020) ("A timely filed motion suspends the finality of the original judgment for purposes of appeal, and only the district court's disposition of the motion restores finality and starts the 30-day appeal clock. If an appeal follows, the ruling on the motion merges with the original determination into a single judgment.") ("[I]f [appellant] timely submits a Rule 59(e) motion, there is no longer a final judgment to appeal from. Only the disposition of that motion restores the finality of the original judgment, thus starting the 30-day appeal clock.")

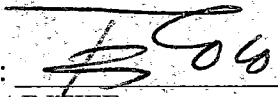
3. The disposition of the Rule 59(e) was rendered on Dec 4, 2024 (ECF: 72).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 2, 2025, a true and correct copy of the foregoing was filed/mailed with/to the Clerk of the Court who will use the CM/ECF system which will send a notice of electronic filing to all counsel or parties of record on the Service List below.

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